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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/601,029

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PETER HIMMELSBACH

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7055 7590 02/22/2010
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EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER HIMMELSBACH
and
MARIKE SINNEN

Application No. 09/601,029
Technology Center 1700

Mailed: February 19, 2010

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief and Request for Oral Hearing were filed in this application on June 19, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007). It is also noted that the entry of this Reply Brief does not appear in PALM. Correction is required.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) to consider the Reply Brief filed June 19, 2008 as indicated above;
- 2) to enter the Reply Brief filed June 19, 2008 into PALM; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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